

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LUCRETIA GAY McFARLAND)
as Personal Representative of the)
Estate of DANIEL LEEPER McFARLAND,))
Deceased,)

Plaintiff,)

vs.)

Case No. CIV-09-1209-M

CORRECTIONAL HEALTHCARE)
MANAGEMENT OF OKLAHOMA, INC.,)
a corporation, OKLAHOMA COUNTY)
BOARD OF COUNTY)
COMMISSIONERS, a Political)
Subdivision of the State of Oklahoma,)
JOHN WHETSEL, individually and)
JOHN WHETSEL, in his official)
capacity as Sheriff of Oklahoma County,)

Defendants.)

ORDER


On October 30, 2009, plaintiff Lucretia Gay McFarland as Personal Representative of the Estate of Daniel Leeper McFarland, deceased, commenced this action against defendants Correctional Healthcare Management of Oklahoma, Inc., a corporation, Oklahoma County Board of County Commissioners, a Political Subdivision of the State of Oklahoma, John Whetsel, Individually and John Whetsel, in his official capacity as Sheriff of Oklahoma County. No praecipe or summons was included with the Complaint for filing, and, thus, no summons were issued.

Every court has the inherent power in the exercise of sound discretion to dismiss a cause for want of prosecution. *See Stanley v. Continental Oil Co.*, 536 F.2d 914, 917 (10th Cir. 1976); *e.g.*, *Link v. Wabash Railroad*, 370 U.S. 626 (1962) (inherent power vested in courts to manage own affairs so as to achieve orderly and expeditious disposition of cases). The propriety of such a decision depends on the procedural history of the particular case involved. *See Petty v. Manpower*,

Inc., 591 F.2d 615, 617 (10th Cir. 1979).

The procedural history of this case indicates that plaintiff has taken no action since the filing of the Complaint. The Court has the inherent power to clear its calendar of a case that has remained dormant because of the inaction of the party seeking relief. In balancing the harshness of dismissal without prejudice against the necessity of bringing the case to a point where it can be resolved, the Court finds that plaintiff's Complaint should be and is hereby **DISMISSED** without prejudice.

IT IS SO ORDERED this 13th day of April, 2010.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE